

**To:** Jill M. Pietrini([trademarksCC@sheppardmullin.com](mailto:trademarksCC@sheppardmullin.com))  
**Subject:** U.S. Trademark Application Serial No. 97450906 - HIP-HOP SHORTIES - 71AK-308425  
**Sent:** April 26, 2023 09:58:16 AM EDT  
**Sent As:** [tmng.notices@uspto.gov](mailto:tmng.notices@uspto.gov)

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**Attachments**

[screenshot-www-collinsdictionary-com-dictionary-english-hip-hop-1682361488849197328694](#)

**United States Patent and Trademark Office (USPTO)**  
**Office Action (Official Letter) About Applicant's Trademark Application**

**U.S. Application Serial No.** 97450906

**Mark:** HIP-HOP SHORTIES

**Correspondence Address:**

JILL M. PIETRINI  
SHEPPARD MULLIN RICHTER & HAMPTON LLP  
1901 AVENUE OF THE STARS, SUITE 1600  
LOS ANGELES CA 90067 UNITED STATES

**Applicant:** Smith, James Todd

**Reference/Docket No.** 71AK-308425

**Correspondence Email Address:** [trademarksCC@sheppardmullin.com](mailto:trademarksCC@sheppardmullin.com)

**NONFINAL OFFICE ACTION**

**Response deadline.** File a response to this nonfinal Office action within three months of the “Issue date” below to avoid [abandonment](#) of the application. Review the Office action and respond using one of the links to the appropriate electronic forms in the “How to respond” section below.

**Request an extension.** For a fee, applicant may [request one three-month extension](#) of the response deadline prior to filing a response. The request must be filed within three months of the “Issue date” below. If the extension request is granted, the USPTO must receive applicant's response to this letter within six months of the “Issue date” to avoid abandonment of the application.

**Issue date:** April 26, 2023

**Introduction**

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant

must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

### **Summary of Issues**

- Advisory regarding Potential Section 2(d) Refusal - Prior-Filed Application
- Amendment of Identification of Goods Required
- Disclaimer Required

### **Advisory regarding Potential Section 2(d) Refusal - Prior-Filed Application**

The trademark examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting registered marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02. However, a mark in a prior-filed pending application may present a bar to registration of applicant's mark.

The effective filing date of pending U.S. Application Serial No. 97328694 precedes applicant's filing date of June 9, 2022. *See* attached referenced application. If the mark in the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the mark in the referenced application. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

While applicant is not required to respond to the issue of the pending application, applicant must respond to the requirement(s) below within the response deadline mentioned above to avoid abandonment.

### **Amendment of Identification of Goods Required**

First, "Digital media, namely, digital assets, digital collectibles, digital tokens, and non-fungible tokens (NFTs)" in the identification of goods is indefinite and must be clarified because applicant must specify the types of digital assets and digital collectibles provided. Second, "Downloadable computer software, namely, non-fungible tokens (NFTs) for facilitating commercial transactions" is indefinite and must be clarified because it does not specify the types of goods authenticated by the NFTs that are the subject of the commercial transactions. Third, "Downloadable files containing proof of attendance protocols (POAPs) authenticated by non-fungible tokens (NFTs)" is indefinite and must be clarified because it must state the type of files. Fourth, "Downloadable image files containing merchandise, trading cards, and photographs of musicians, photographs of entertainment events, and photographs of concerts authenticated by non-fungible tokens" is indefinite and must be clarified because it must state the type of merchandise included in the image files. Fifth, "Downloadable virtual goods, namely, music, art images, video clips, clothing, eyewear, all-purpose carrying bags, backpacks, jewelry, watches, phone accessories, licensed merchandise, footwear, belts, trading cards, home furnishings, health and beauty aids, home electronics, consumer packaged goods, food and beverages, toys and games, pets, furniture, and household items for use in online virtual worlds" is indefinite and must be clarified because it does

not specify the music virtual goods and must state the subject matter of the video clip goods. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

Applicant may substitute the following wording, if accurate:

- International Class 009: Digital media, namely, digital assets **and** digital collectibles **in the nature of downloadable {specify goods, ex. music files} authenticated by** non-fungible tokens (NFTs); Downloadable audio and video recordings featuring entertainment events, concerts, musical sound recordings, music, and attendance at entertainment events authenticated by non-fungible tokens; Downloadable computer software for facilitating commercial transactions **involving digital assets and digital collectibles authenticated by** non-fungible tokens (NFTs); Downloadable digital assets **in the nature of downloadable {specify goods, ex. music files}** and electronic data files **featuring {indicated subject matter, ex. music} authenticated by** non-fungible tokens (NFTs) ; Downloadable **data** files containing proof of attendance protocols (POAPs) authenticated by non-fungible tokens (NFTs); Downloadable image files containing merchandise **being clothing**, trading cards, photographs of musicians, photographs of entertainment events, and photographs of concerts authenticated by non-fungible tokens; Downloadable multimedia file containing artwork, text, audio, and video relating to entertainment events, concerts, musical sound recordings, music, merchandise, trading cards, and attendance at entertainment events authenticated by non-fungible tokens; Downloadable music files authenticated by non-fungible tokens; Downloadable virtual goods, namely, computer programs featuring access tokens for use in online virtual worlds; Downloadable virtual goods, namely, music **files**, art images, video clips **featuring music**, clothing, eyewear, all-purpose carrying bags, backpacks, jewelry, watches, phone accessories, licensed merchandise, footwear, belts, trading cards, home furnishings, health and beauty aids, home electronics, consumer packaged goods, food and beverages, toys and games, pets, furniture, and household items for use in online virtual worlds

Applicant may amend the identification to clarify or limit the goods and/or services, but not to broaden or expand the goods and/or services beyond those in the original application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Generally, any deleted goods and/or services may not later be reinserted. *See* TMEP §1402.07(e).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [\*U.S. Acceptable Identification of Goods and Services Manual\*](#). *See* TMEP §1402.04.

### **Disclaimer Required**

Applicant must disclaim the wording "HIP-HOP" because it is merely descriptive of a characteristic and/or feature of applicant's goods. *See* 15 U.S.C. §§1052(e)(1), 1056(a); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012); TMEP §§1213, 1213.03(a).

The attached evidence from *Collins Dictionary* shows this wording means "is a form of popular culture which started among young black people in the United States in the 1980s. It includes rap music and graffiti art." Consumers will understand applicant's music includes hip-hop. Thus, the wording merely describes applicant's goods because hip-hop describes a characteristic and/or feature of applicant's music.

Applicant may respond to this issue by submitting a disclaimer in the following format:

**No claim is made to the exclusive right to use “HIP-HOP” apart from the mark as shown.**

For an overview of disclaimers and instructions on how to provide one using the Trademark Electronic Application System (TEAS), see the [Disclaimer webpage](#).

**Response guidelines.** For this application to proceed, applicant must explicitly address each refusal and/or requirement in this Office action. For a refusal, applicant may provide written arguments and evidence against the refusal, and may have other response options if specified above. For a requirement, applicant should set forth the changes or statements. Please see “[Responding to Office Actions](#)” and the informational [video “Response to Office Action”](#) for more information and tips on responding.

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

**How to respond.** File a [response form to this nonfinal Office action](#) or file a [request form for an extension of time to file a response](#).


/Christina Moore/  
Christina Moore  
Examining Attorney  
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(571) 270-0853  
Christina.Moore@uspto.gov

## RESPONSE GUIDANCE

- **Missing the deadline for responding to this letter will cause the application to [abandon](#).** A response or extension request must be received by the USPTO before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Trademark Electronic Application System (TEAS) [system availability](#) could affect an applicant’s ability to timely respond. For help resolving technical issues with TEAS, email [TEAS@uspto.gov](mailto:TEAS@uspto.gov).
- **[Responses signed by an unauthorized party](#) are not accepted and can cause the application to [abandon](#).** If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If


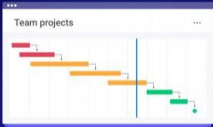
applicant has an attorney, the response must be signed by the attorney.

- If needed, **find** [contact information for the supervisor](#) of the office or unit listed in the signature block.




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English Dictionary ▼ Sentences Grammar


**Definition of 'hip-hop'**

**hip-hop**  
Collins COBUILD



**UNCOUNTABLE NOUN** [ɒf, ˈNOUN ɪzəm] **A2**

Hip-hop is a form of popular culture which started among young black people in the United States in the 1980s. It includes rap music and graffiti art.

Collins COBUILD Advanced Learner's Dictionary. Copyright © HarperCollins Publishers

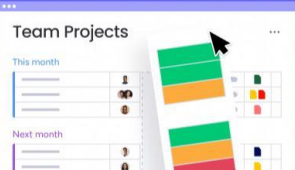
Word Frequency 

• You may also like •



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This month



Next month

**Wordle Helper**


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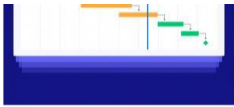


**Quick Word Challenge**

Question: 1 - Score: 0 / 5  
**TRANSPORT**

What is this an image of?





English Quiz  
**Confusables**

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Team projects

## hip-hop

in British English

(ˈhɪp hɒp ⓘ)

NOUN

a US pop culture movement originating in the 1980s comprising rap music, graffiti, and break dancing

Collins English Dictionary. Copyright © HarperCollins Publishers

Word Frequency ●●●●●

## hip-hop

in American English

(ˈhɪp hɒp ⓘ)

US

NOUN

1. a form of popular music that originated among inner-city African-American youths in the 1980s, drawing on rap, funk, street sounds, and fragments of melody and rhythm borrowed from previously recorded sources
2. the culture or a fashion, dance, etc. associated with this music

Webster's New World College Dictionary, 4th Edition. Copyright © 2010 by Houghton Mifflin Harcourt. All rights reserved.

Word origin

orig. uncert.

Word Frequency ●●●●●

## hip-hop

in American English

(ˈhɪp hɒp)

slang

NOUN

1. the popular subculture of urban youths, which includes rap music, break dancing, and graffiti art
2. See rap music

ADJECTIVE

3. of pertaining to or characteristic of this subculture

Word Frequency ●●●●●

ANU  
AMERICAN  
NATIONAL  
UNIVERSITY

LEARN MORE

The difference between...

experience / experiment

### What's the difference between experience and experiment?


This week we are looking at two words which are sometimes confused by learners of English: experience and experiment.

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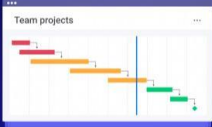
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the hip-hop generation

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**Word origin**

[1985–90]

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**Examples of 'hip-hop' in a sentence**

## hip-hop

▲ These examples have been automatically selected and may contain sensitive content that does not reflect the opinions or policies of Collins, or its parent company HarperCollins. We welcome feedback: [report an example sentence](#) to the Collins team. [Read more...](#)

Not that hip-hop had always been an easy sell.  
*THE GUARDIAN* (2016)

They helped bring west coast hip-hop to popularity.  
*THE GUARDIAN* (2019)

We then see another of the hip-hop parodies which are seemingly mandatory when a rapper is the musical guest.  
*THE GUARDIAN* (2021)

Anyway, hip-hop pop you can whistle along with.  
*THE GUARDIAN* (2015)

It's bigger than just hip-hop for me.  
*THE GUARDIAN* (2016)


Soft hip-hop music was playing from a speaker next to a row of arty portraits of people dressed in their work clothes.  
*TIMES, SUNDAY TIMES* (2012)

Our hometown, which has a great hip-hop scene.  
*THE SUN* (2011)

Once an underground scene, hip-hop is mainstream now.  
*THE SUN* (2011)

China has accomplished what millions of disapproving parents could not: tamed hip-hop music.  
*TIMES, SUNDAY TIMES* (2008)

Rap music or "hip-hop" has proved to be one of the most enduring and controversial forms of music to emerge in the past two decades.  
*APPELBAUM, RICHARD P. SOCIOLOGY* (19...







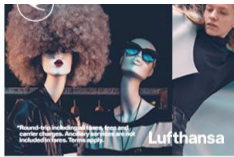
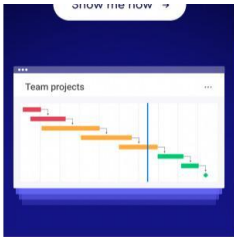
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COBUILD Collocations

# hip-hop

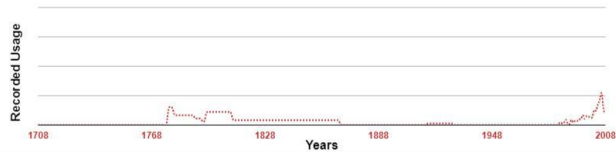


hip-hop act  
hip-hop music

Trends of

## hip-hop

View usage for: All Years



In other languages

## hip-hop

British English: hip-hop /ˈhɪpˌhɒp/ noun  
*Hip-hop* is a form of popular culture which started among young black people in the United States in the 1980s. It includes rap music and graffiti art.

American English: hip-hop /hɪpˌhɒp/

Brazilian Portuguese: hip-hop

Chinese: 嘻哈

European Spanish: hip hop

French: hip-hop

German: Hip-Hop

Italian: hip-hop

Japanese: ヒップホップ

Korean: 힙합

European Portuguese: hip-hop

Latin American Spanish: hip hop

Thai: ฮิปฮอป (แนวดนตรี)

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Browse alphabetically

## hip-hop

hip size  
hip socket  
hip surgery  
hip-hop act  
hip-hop album  
hip-hop artist

Related terms of

## hip-hop

hip-hop act  
hip-hop album  
hip-hop artist  
hip-hop dance  
hip-hop music

[View more related words](#)

All ENGLISH words that begin with 'H'

Source

Definition of **hip-hop** from the Collins English Dictionary  
Read about the team of authors behind Collins Dictionaries.

• New from Collins •

### Quick Word Challenge

Question: 1 - Score: 0 / 5

#### MAMMALS

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wolf

fox

NEXT



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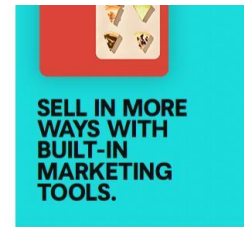
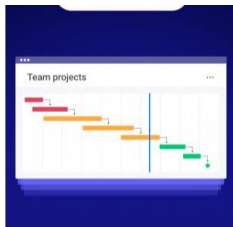
A SLICE OF SMILE

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WAYS WITH  
BUILT-IN  
MARKETING  
TOOLS.

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**(4) STANDARD CHARACTER MARK**

**SHORTI**

**Mark Punctuated**

SHORTI

**Translation**

**Goods/Services**

- IC 041. US 100 101 107.G & S: Entertainment services, namely, providing on-line, non-downloadable virtual food and beverage products for use in virtual environments created for entertainment purposes

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Design Code**

**Serial Number**

97328694

**Filing Date**

20220324

**Current Filing Basis**

1B

**Original Filing Basis**

1B

**Publication for Opposition Date**

20230404

**Registration Number**

**Date Registered**

**Owner**

(APPLICANT) Wild Goose Holding Co., Inc. CORPORATION DELAWARE 260 West Baltimore Pike Wawa PENNSYLVANIA 19063

**Priority Date**

**Disclaimer Statement**

**Description of Mark**

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Live Dead Indicator**

LIVE

**Attorney of Record**

Douglas Panzer

## United States Patent and Trademark Office (USPTO)

### USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued  
on April 26, 2023 for  
**U.S. Trademark Application Serial No. 97450906**

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response, or extension request, must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Otherwise, your application will be [abandoned](#). See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and whether there are outstanding deadlines to the [Trademark Assistance Center \(TAC\)](#).

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

### GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the [Trademark Status & Document Retrieval \(TSDR\)](#) database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. Verify the correspondence originated from us by using your serial number in our database, [TSDR](#), to confirm that it appears under the “Documents” tab, or contact the [Trademark Assistance Center](#).
- **[Hiring a U.S.-licensed attorney](#)**. If you do not have an attorney and are not required to

have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.